

REMARKS

In the office action of April 23, 2003, the Examiner states that claims 19, 20, 24, and 25 are in the application. The Examiner has not acknowledged receipt of Applicant's preliminary amendment filed by Certificate of Mailing on July 15, 2003. On May 1, 2003, the undersigned moved to a new law firm and was unaware an office action issued in this case on April 23, 2003, until the prior law firm forwarded that action the undersigned in July. Accordingly, the office action and the preliminary amendment effectively crossed in the mail. Applicants respectfully request an action on the merits of claims 26-39 and new claim 40.

The Examiner requests a new oath or Declaration stating that priority claim to provisional application 60/005,523. A claim to the benefit of priority of that provisional application is made both on page 1 of the present specification and also in the original filing cover sheet of the filing papers filed February 13, 2001. In lieu of a new oath or Declaration, Applicants submit an Application Data Sheet pursuant to 37 CFR §1.76 as permitted by 37 CFR §1.63(c).

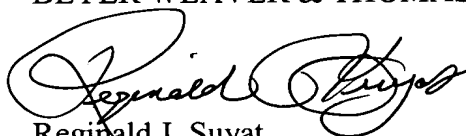
The specification has been amended to recite the string of parent applications, as required by the Examiner.

Claims 19, 24, and 25 are rejected under 35 USC §102(b) as allegedly being clearly anticipated by Rhee *et al.* (US 5,264,214). This rejection is respectfully traversed. The Examiner states that the admixtures disclosed in Rhee *et al.* which are formed from admixing collagen-polymer with ceramic particles, such as hydroxyapatite and/or tricalcium phosphate, show a mineralized collagen-polymer in accordance with a definition of "mineralized". Claim 19 has now been amended to state that the biopolymer is mineralized by formation of a mineral thereon. This limitation is not met by Rhee *et al.* The teaching in Rhee *et al.* is to simply admix particles with the collagen polymer. Rhee *et al.* do not precipitate the mineral on the biopolymer as disclosed by Applicants to form the mineral on the biopolymer. Formation of mineral in the collagen is supported by Applicants' specification at page 7, lines 3-5.

Accordingly, it is submitted that the claims acted upon are distinguishable from Rhee *et al.* and withdrawal of the rejection is respectfully requested.

Respectfully submitted,

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